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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन
के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be read
as a separate compilation

RAJYA SABHA

The following Bills were introduced in the Rajya Sabha on the 29th April, 1983:—

I

BILL NO. VII OF 1983

A Bill further to amend the Delhi Rent Control Act, 1958.

BE it enacted by Parliament in the Thirty-fourth Year of the Republic of India as follows:—

1. (1) This Act may be called the Delhi Rent Control (Amendment) Act, 1983.

Short
title
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ment.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint and such date may be any date prior to the passing of this Act.

2. In the Delhi Rent Control Act, 1958 (hereinafter referred to as the principal Act), in section 2,—

Amend-
ment of
section 2.

59 of 1958.

(i) in clause (e) and wherever it occurs in the Act for the word “landlord”, the word “houseowner” shall be substituted;

(e) to any premises residential or residential-cum commercial, namely:—

“(ee) “house” means a building constructed on a plot of land, which is wholly or partially used for residential or non-residential purposes, and includes the garden, grounds and out houses, if any, appurtenant to such building.

(iii) in clause (l), for the words “means any person by whom or on whose account or behalf the rent of any premises is, or, but for a special contract, would be, payable,” the words “means any person occupying premises, whether residential or non-residential, under a lease deed, agreement or any other document for the period mentioned in the said lease deed, agreement or document, as the case may be,” shall be substituted;

(iv) after clause (l), the following clause shall be inserted, namely:—

“(ll) “tenant at sufferance” means any person occupying premises, whether residential or non-residential, after the termination or expiry of the lease deed, agreement or any other document; or a person occupying any premises without any written lease deed, agreement or any other document:

Provided that in the event of the death of the tenant, his or her spouse, parents, unmarried sons and daughters who are financially dependent on the deceased on the date of the death, shall acquire the right to continue to live in the premises for one year after the death and those, if any, who are not financially dependent for two months after the death.

Amend-
ment of
section 3.

3. In section 3 of the principal Act, after clause (b), the following clauses shall be inserted, namely:—

“(c) to any tenancy or other like relationship created by a lease deed, agreement or any other document by a firm, company, any foreign embassy or organisation; or

(d) to any house owned by a retired Government servant, freedom fighter or any person retired from a public or private sector organisation or by his wife or minor child:

(e) to any premises residential or residential-cum commercial, owned by a person who owns only one such premises either in his own name or that of his wife or dependent child in the Union-territory of Delhi;

Provided that nothing in this section shall be construed as conferring a right on a houseowner owning two or more houses in the Union territory of Delhi, whether in his own name or in the name of his wife or dependent child, to claim exemption from the operation of the Act for more than one house and such houseowners shall indicate the house for which they intend to claim exemption by a specified date to be notified by the Central Government in the Official Gazette:

Provided further that provisions for summary trial under section 25A and section 25B shall apply in eviction proceedings concerning the category of tenants mentioned in clause (c) and houseowners in this clause.”.

Amend-
ment of
section 6.

4. In section 6 of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely:—

“(1) Subject to the provisions of sub-section (2) “standard rent”, in relation to any premises, residential or non-residential, means fifteen per cent. of the reasonable cost of construction and market

price of land prevailing on the 31st March, 1971 with provisions for suitable periodic adjustments in rent related to the cost of construction, repairs and the cost of living index as determined by the Ministry of Labour:

Provided that where the rent so calculated exceeds two thousand and four hundred rupees per annum, this sub-section shall have effect as if for the words "fifteen per cent.", the words "twenty per cent." had been substituted in the case of residential premises and "twenty-five per cent." had been substituted in the case of non-residential premises."

5. In section 14 of the principal Act,—

Amendment of section 14.

(i) in sub-section (1),—

(a) in clause (e), the words "dependent on him" shall be omitted;

(b) after clause (l), the following clause shall be inserted, namely:—

"(m) that the person in occupation of a premises, residential or non-residential, is a tenant at sufferance.";

(ii) sub-section (6) shall be omitted;

(iii) in sub-section (7),—

(a) after the words "clause (e)" the words "and clause (m)" shall be inserted;

(b) after the words "proviso to sub-section (1)", the words "or under section 14A" shall be inserted;

(c) for the words "six months", the words "two months" shall be substituted."

6. In section 21 of the principal Act, after the words "occupation of such premises", the words "and the orders of the Controller in this behalf shall be final and shall not be questioned in any Court of Law." shall be inserted.

Amendment of section 21.

7. In section 25B of the principal Act,—

Amendment of section 25B.

(i) in sub-section (1), after the words "in clause (e)", the words "and in clause (m)" shall be inserted;

(ii) in sub-section (6), for the words "as early as practicable", the words "and the hearing shall be completed within three months from the date of the order granting leave to the tenant to contest the application." shall be substituted.

8. Section 25C of the principal Act shall be omitted.

Omission of section 25C.

Insertion of new section 48A.

Penalty payable by tenants.

9. After section 48 of the principal Act, the following section shall be inserted, namely:—

“49A. (1) A tenant shall be liable to pay two and a half per cent. of the monthly rent as penalty for the period of default if he fails to pay the rent on the due date.

(2) A tenant at sufferance (i) shall be liable to pay rent at double the rate of rent that he is liable to pay under section 4 with effect from the date on which his lease deed, agreement or any other document was terminated or expired as damages,

(ii) shall be liable to pay three times the rent he is liable to pay under section 4 if he fails to vacate the premises within the period of grace granted to him by the competent authority ordering his eviction from the premises.”.

Insertion of new section 52A.

Arbitration.

10. After section 52 of the principal Act, the following section shall be inserted, namely:—

“52A. Nothing in this Act shall render illegal a contract by which two or more persons agree that any dispute that may arise between them as house-owner and tenant in respect of any matter or matters pertaining to rented premises shall be referred for arbitration and that the decision of the arbitrator, on the matters referred to him, shall be binding on the parties.”.

STATEMENT OF OBJECTS AND REASONS

The working Group on private housing set up by the Government of India in its report in November 1981 had made many important recommendations to step up private investment in construction activities to relieve the acute shortage of housing. These recommendations seems to have been accepted by Government of India.

The Government is aware of the urgent need to amend the Delhi Rent Control Act, 1958, which seems to have outlived its utility and appears to be obsolete in the prevailing socio economic conditions. The Government has also in view to introduce a model legislation to regulate the houseowner—tenant relationship all over India on the basis of the recommendations of the Commission for Economic Administration Reforms under the Chairmanship of Shri L. K. Jha which are under Consideration of the Government of India since October 1982. But no firm date has so far been fixed by the Government for introducing fresh legislation in this behalf.

An attempt has been made in this Bill to rationalise some of the provisions of the Delhi Rent Control Act, 1958, with a view to securing justice both for the tenants and the houseowners in the hope that this will alleviate the widespread prevailing houseowner—tenant tension. It will thus relieve the unbearable pressure on the Judiciary as well as the machinery for keeping law and order and step up housing activity. It will thus contribute to lowering rents and make housing accommodation more easily available for all sections of society.

The Bill seeks to achieve the above objectives.

NAJMA HEPTULLAH

II

BILL NO. I OF 1983

A Bill to provide for small family promotion and motivation and other measures for population control.

Enacted by Parliament in the Thirty-fourth Year of the Republic of India as follows:—

Short
title and
commen-
cement.

1. (1) This Act may be called the Population Control (Small Family Promotion and Motivation) Act, 1983.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Defini-
tions.

2. In this Act, unless the context otherwise requires,—

(a) “appropriate Government” means the Central or the State Government, as the case may be;

(b) “operation” means a surgical operation for the purpose of birth control;

(c) “person” means a male or female who is married;

(d) “small family” means a family consisting of husband, wife and three children, male or female, at any given time.

3. Every person who undergoes an operation after having one or two children, shall be given by the appropriate Government the following incentives, namely:—

Incentives for birth control operation.

- (a) suitable employment, if the person is unemployed;
- (b) free education to his children upto the senior secondary stage including supply of books, exercise books and uniforms;
- (c) allotment of a plot of land for building a house or a built-up house on priority basis;
- (d) grant of loan for building a house or purchasing a built-up house.

4. Where a Government servant or his spouse undergoes an operation after having two children, he shall, in addition to the incentives provided for in section 3, be given by the appropriate Government the following incentives, namely:—

Additional incentives to Government servants who undergo operation after two children.

- (a) two advance increments with effect from the first day of the calendar month in which the Government servant or his spouse undergoes the operation;
- (b) allotment of Government accommodation within a period of six months from the date of the operation.

5. Where a Government servant or his spouse undergoes an operation after having one child, he shall, in addition to the incentives given under sections 3 and 4, be granted out of turn promotion to the next higher post once only during his entire service.

Additional incentives to Government servants who undergo operation after one child.

6. (1) There shall be established by the appropriate Government a Small Family-cum-Child Care Centre for every hundred of population in rural area and for every fifty thousand of population in urban areas.

Establishment of Small Family-cum-Child Care Centre.

(2) The Centre shall guide the married persons in the use of preventive methods of birth control and provide them with suitable birth control devices free of any charge.

(3) There shall be made adequate arrangements at every Centre for carrying out birth control operations, post-operation care of the persons who undergo operation and supply of necessary medicines to them free of any charge.

STATEMENT OF OBJECTS AND REASONS

The most crucial problem facing the country at present is the population problem. The population of India is a growing phenomenon and to check its growth it is necessary that the problem should be tackled at all levels. During the last 30 years between 1951 and 1981, while the Gross National Production has increased by 50 per cent, the population has exploded by 108 per cent. It is, therefore, of paramount importance that the Government should take every step to check the growth of population in the country with a view to achieving rapid economic progress and raising the standard of living of people. The States should lay down the norms of small family and provide incentives, both monetary and material, to those who practise family planning and adopt small family norms.

Hence this Bill.

N. P. C. NAIDU

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for certain incentives to those who undergo birth control operation after having one or two children, suitable employment to those of such persons who are unemployed, free education to their children, including free supply of books, uniforms, etc. and grant of house building loan. Clause 4 provides for two advance increments and allotment of Government accommodation to Government servants. Clause 6 provides for establishment of Small Family-cum-Child Care Centres by the Government, free arrangements at these Centres for carrying out birth control operations, post-operation care and supply of medicines free of any charge. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India on implementation of these provisions in the Union territories and at the same time towards making grants-in-aid to the States to meet a part of this expenditure. An annual recurring expenditure of about rupees one thousand crores is estimated to be incurred from the Consolidated Fund of India on this account.

A non-recurring expenditure of about rupees five hundred crores is also likely to be incurred for carrying out the purposes of the Bill.

SUDARSHAN AGARWAL
Secretary-General

